



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



September 16, 2002

Mr. John Krebs
Board of Selectmen Chairman
Town of Freedom
Old Portland Road
PO Box 227
Freedom, New Hampshire 03836

CERTIFIED MAIL (7099 3400 0003 0687 5111)
RETURN-RECEIPT REQUESTED
LETTER OF DEFICIENCY

No. ARD 2002-012

RE: Open Burning of Non-Conforming Materials

Dear Mr. Krebs:

On October 19, 2001, and June 28, 2002, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed inspections at the Town of Freedom's Solid Waste Transfer Station ("the Facility") located on Bennett Road in Freedom, NH. The purpose of the inspections was to determine compliance with the NH Admin. Rules Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and Authorization to Burn No. OB 00009973 ("the Authorization") which authorizes the Town of Freedom to operate a municipal burn site for untreated wood and brush.

At the time of the October 19, 2001 visit, the DES inspector observed and photographed the following non-conforming materials in the burn pile: charred stained plywood, wafer board, painted wood, vinyl siding, brush over 5" in diameter, and assorted metal. A copy of the inspection report, rules and fact sheets were left at the Facility, and a copy of the inspection report was mailed to the Town.

During the June 28, 2002 inspection, the DES inspector again observed and photographed non-conforming materials in the burn pile, including charred painted wood, plywood, wafer board, and furniture. Copies of the inspection report, rules and fact sheets were again left at the Facility, and a copy of the inspection report was mailed to the Town.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning. Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood. Only brush and untreated wood, as defined below, should be accepted and treated at the Facility

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber, which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

September 17, 2002

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

- 1 Burn only brush and untreated wood as described in the Authorization, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of the Authorization, Env-A 101.54 and Env-A 101.286 from the burn area; and
2. Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with the Authorization and Env-A 1000. Send this written statement to:

Joseph Ritz, Enforcement Specialist
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

It should be noted that a Letter of Deficiency was issued to the Town of Freedom in 1997 for similar violations. Activities at the Facility will continue to be monitored to determine compliance with the regulations. In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: Authorization to Burn OB-00009973, Env-A 101.54, Env-A 101.286 and Env-A 1000
Notice of Inspection dated October 19, 2001, 2 pages
Notice of Inspection dated June 28, 2002, 2 pages

cc: G. Rule, DES Legal Unit
R. Kurowski, EPA, Region 1
R. Reed, DES WMD
AFS# 3300390137